

Final Notes June 23, 1997

## IMPLEMENTATION TEAM MEETING NOTES

June 5, 1997, 9:00 a.m.-4 p.m.

NATIONAL MARINE FISHERIES SERVICE OFFICES  
PORTLAND, OREGON

### I. Greeting and Introductions.

The June 5 meeting of the Implementation Team, held at the National Marine Fisheries Service's offices in Portland, Oregon, was chaired by Donna Darm of NMFS. The agenda for the June 5 meeting and a list of attendees are attached as Enclosures A and B. The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NMFS's Kathy Ceballos at 503/230-5420 or via E-mail at [kathy.ceballos@noaa.gov](mailto:kathy.ceballos@noaa.gov).

Darm noted that Will Stelle and Brian Brown of NMFS are in Washington D.C. today, briefing Reps. Crapo and Furse and other members of the Northwest Congressional delegation on Biological Opinion implementation, the status of the 1999 decision and other issues. They are also there for the signing, which took place this morning, of a Secretarial order, covering how the Departments of Commerce and Interior will implement their tribal trust responsibilities with respect to coordination of the implementation of the Endangered Species Act, Darm explained.

It isn't entirely clear yet exactly how this order will affect our Regional Forum efforts, she said; however, I think it's safe to say that it will put a pretty high burden on NMFS and the Fish and Wildlife Service to consult more closely with the Tribes as we implement our ESA responsibilities.

It was our hope, in creating this Regional Forum, to provide the Tribes with an opportunity to participate closely in that ESA decisionmaking process, said Darm. However, as most of you are aware, the four Lower River Tribes have announced that they are withdrawing from this forum, and we're not sure exactly how things are going to shake out. Copies of the Secretarial Order will be distributed to the IT membership as soon as they are received, she added.

The other announcement I need to make is that I have a new job, said Darm -- I am no longer a freelancer within NMFS, but am now the Director of the Protected Resources Division, which is responsible for listings, the development of recovery plans, conservation planning activities such as the recent Oregon Coastal Salmon Restoration Initiative, and for ensuring that NMFS's Endangered Species policies are consistent across programs. What that means for me is that, while I will still be involved in decisionmaking on larger hydropower policy issues, I will not be as involved in day-to-day hydropower matters, Darm said. Brian Brown will be assuming more responsibility in that area. I will also continue to represent NMFS at the Columbia Basin Fish and Wildlife Authority level, she added.

## II. Updates.

A) In-Season Management. Michele DeHart of the Fish Passage Center distributed Enclosure C, a memo, dated June 5, updating the IT on the current status of the 1997 migration. This packet includes:

- ? cumulative passage plots illustrating passage timing through June 2, comparing 1997 passage timing to the timing of past years' migrations.
- ? preliminary passage timing data for specific stocks at Lower Granite Dam
- ? the estimated transport proportion for fish originating above Lower Granite Dam so far in 1997 (wild steelhead -- 65%; hatchery steelhead -- 57%; wild yearling chinook -- 55%; hatchery yearling chinook -- 50%)
- ? Dissolved gas data, showing that gas levels at all major sites have exceeded the water quality standards for most of May due to high flows and flood control operations. Gas bubble trauma monitoring has shown an increase in symptoms when flows and gas levels have increased. The highest levels of symptoms are presently being observed at Rock Island Dam.
- ? Transportation of subyearling migrants began May 30, when the subyearling migrant collection increased to comprise the majority of fish collected at Lower Granite. This is significantly earlier than the date the summer migration operation began in 1996 (June 20).

(Please see Enclosure C for detailed information).

One other item to report, said DeHart, is the fact that transportation was instigated at McNary Dam on May 30, due to high flow conditions. That operation will continue until flows recede to 400 Kcfs at that project.

1. Coordination of Upper Snake and Brownlee Operations with Dworshak. Jim Fodrea of the Bureau of Reclamation distributed Enclosure D, a handout summarizing the 1997 plan for Brownlee Reservoir operation and the delivery of the 427 KAF from USBR for flow augmentation. He reported that the Upper Snake Work Group had met on April 11 to discuss these operations, and, in general, was able to resolve some of the concerns raised by the Salmon Managers regarding the delivery rates for the 427 KAF, as well as Idaho Power's ability to shape that water through its storage operations at Brownlee.

Specifically, Fodrea said, BOR plans to deliver 225 KAF of water at Milner at a rate of 1.5 Kcfs. The release will begin once flows at Milner recede to near 1.5 Kcfs, probably in early July. It will take about 83 days to complete the delivery of that water. USBR will also deliver 150 KAF of Payette River water from the storage reservoirs at Cascade and Deadwood; about 90 KAF of that water will be delivered in July and August at a rate of about 1 Kcfs, once natural flows recede to base irrigation level, again, probably in early July. The remaining 60 KAF will be delivered through Brownlee shaping. From the Boise system, USBR will deliver about 40 KAF, at a delivery rate limited to 400 cfs per day, beginning in late June or early July, once flows in that system recede to the summer irrigation level. All of the Boise water is expected to reach Brownlee during the outmigration, and should not require any shaping by Idaho Power. USBR has also purchased natural flow rights in Oregon, totaling 17.5 KAF, for the purpose of flow augmentation. The delivery rate for this water is presently being evaluated by the Oregon Water Resources Department.

In terms of Brownlee operations, Idaho Power has agreed to make a final commitment to specific operations at that project in late June, or when Brownlee refill is complete, or when there is sufficient water supply information to forecast Brownlee refill with more certainty, Fodrea said. Again, it looks reasonable that Idaho Power will be able to meet our 1997 shaping needs at Brownlee, probably about 150 KAF in all. (Please see Enclosure D for a more detailed summary of the agreements reached at the April 11 meeting).

Actually, I don't believe that's entirely accurate, said Ron Boyce of ODFW. Idaho Power will be taking a turbine out for maintenance at Oxbow, beginning in mid-July. That will limit the hydraulic capacity at that project to 20 Kcfs. Based on the flow data received from both the Corps and Idaho Power, we will be left about 40 KAF short of getting all of the water out during the flow augmentation period.

That's not what my people are telling me, replied Steve Herndon of Idaho Power. The only thing I would add to Jim's report is that Idaho Power is committed to implementing the BiOp flows to the greatest extent possible. Ron is correct that we will have a unit down for service during the late-summer period, and that this will reduce hydraulic capacity at Oxbow to about 20 Kcfs. This is a normal maintenance operation that occurs every year at that time, once spring flows have receded and before power demand rises during the winter. The reason it could be a problem this year is the fact that we've never had flows in excess of 20 Kcfs at Oxbow that late in the migration season.

At any rate, we looked at these flow numbers yesterday, and in Idaho Power's opinion, we're right on in terms of getting the water out on time, Herndon continued. Although the information you have in hand today may indicate that we'll come up 40 KAF short, bear in mind that this is a very strange year -- the runoff is large, and it is late. We don't know with any certainty what's going to happen tomorrow, let alone at the end of July, he said. These numbers will change daily between now and then.

If the worst-case scenario does occur, how do we know we'll be able to provide the full BiOp volume from Brownlee? asked Boyce. Let me see if I understand, said Darm -- your concern is that there may be so much water coming down the system in August that we won't be able to provide the entire 427 KAF on top of that? Yes, Boyce replied. I can't tell you exactly what we'll have for summer flows today, said Herndon, nor can I tell you exactly how we'll have to operate Brownlee to get the full BiOp volumes out during the water budget period. What I can tell you is that Idaho Power will do everything in its power to accomplish that.

If your data, indicating that we may come up 40 KAF short, are more than 12 hours old, it's probably not accurate anymore, Herndon added. Once we have firm data, we're a week or two out and we're dealing with specific flow numbers through the TMT, we may well need to sit down with BPA and discuss spilling water in order to get the full BiOp volume out. If that has to happen, it has to happen, and it will happen. Frankly, though, 40 KAF through a project like the Hells Canyon complex really isn't anything to get excited about -- it won't be problematic at all to provide that, unless you decide you want it all in one day.

Mainly, I wanted to give the IT a heads-up, in advance, that this issue may be coming down the road, said Boyce.

2. Pacific Northwest Coordination Agreement. Fodrea explained that this issue came to the IT in response to a letter from the Salmon Managers, requesting that Reclamation submit some flow requests in the PNCA planning process. My purpose today isn't to talk about those specific flow requests -- they will be dealt with in another forum. What I'd like to do today is simply to give folks a quick overview of what PNCA is and what it does and doesn't do.

Fodrea put up a series of overheads, covering the background for, purpose of and parties to the Pacific Northwest Coordination Agreement; he explained that the reason PNCA has come to prominence at this time is the fact that the original agreement, negotiated in 1964, is set to expire in 2003, and a new agreement, extending through 2024, is currently being negotiated. He outlined some of the basic tenets of the current agreement, as well as some of the changes expected in the new agreement. He touched on some of the non-power requirements included in the agreement; PNCA charges, NEPA considerations, ESA considerations and Indian Trust considerations. All of these overheads are reproduced in Enclosure E; please see this document for details of Fodrea's presentation.

With respect to the Salmon Managers' requested flows at Priest Rapids Dam, the annual PNCA planning process starts every year on February 1, Fodrea said. At the start of that annual process, all of the parties submit their operating requirements for non-power uses. They indicate what their generating capability is, in terms of non-hydro resources; treaty operating plans for the Columbia River Treaty are input by the U.S. entity; they go through a series of studies, and a final regulation is reached in July. That regulation spells out operating criteria to meet the nonpower requirements, and also gives parties an estimate of what their firm capability will be under adverse streamflows. The operating year begins August 1. Operational studies try to meet the firm load as well as the non-power requirements, Fodrea explained. Those studies provide the foundation for monthly operating guidelines, which parties to the agreement may or may not choose to follow.

One improvement in the new PNCA agreement is the addition of ad hoc non-power requirements -- non-power requirements that were not contemplated during the planning process, Fodrea said. The Salmon Managers' request for year-round minimum flow at Priest Rapids might be considered an ad-hoc non-power requirement if we chose to implement that request in 1998, because it was not submitted in time for inclusion in the 1998 planning process.

How is the decision made about which non-power requirements will be incorporated and which will not? asked Fred Olney of USFWS. Reclamation and the Corps want to give the parties to the PNCA our best estimate of what their power capabilities will be, Fodrea replied. We're pretty conscientious about incorporating everything we know will impact those power generation capabilities.

Each PNCA party brings their non-power constraints to the planning process, added Doug Arndt of COE -- for example, the Corps typically brings a block of ESA constraints. The decision about which constraints the parties bring to the PNCA process, however, is made away from the PNCA table. Essentially, PNCA deals with the power that is left after those non-power constraints are laid out.

And how, specifically, will the Salmon Managers' minimum flow request be dealt with? asked Bill Hevlin of NMFS. It's an operational request that needs to be fleshed out further; we need to

reach agreement about whether or not to include it among USBR's non-power constraints, Fodrea replied. It needs to go through an appropriate forum, whether it's the NMFS Regional Forum or Power Planning Council. The cost and environmental benefits associated with the request will need to be analyzed before we, as an operating agency, will consider including it in the PNCA. If the region agrees that the request is something that should be implemented, we'll take it to PNCA, he said.

Will the new PNCA agreement, when signed, will be flexible enough to accommodate a change in operation should some new non-power requirements be needed in 1999? asked Ruff. Yes, Fodrea replied. The point was made that the project owners have total discretion about which non-power constraints to implement, so if USBR decides to include the Salmon Managers' flow request in its non-power requirements, it will be implemented. In response to another question, Fodrea said one concern Reclamation has about implementing this request is its potential impacts on Biological Opinion operations, as well as its impacts on resident fish in Lake Roosevelt.

After some minutes of further discussion, Fodrea said Reclamation would coordinate an informal process to develop options, to develop an analytical model, and to solicit input from interested parties -- the Fish and Wildlife Service, NMFS, BPA, COE, NPPC, WDFW, ODFW, the Mid-Columbia PUDs and the affected Tribes. Darm said the IT would send an official letter to the Bureau of Reclamation outlining this request. This process will generate an interim report prior to the IT's July meeting, with a final report available in August. Both reports will be discussed by the IT. The Salmon Managers' flow request is also an ongoing discussion at the TMT level, added Boyce.

Darm made the point that this flow request amounts to a change in the base operation of the FCRPS, which is something that falls beyond the purview of the TMT to decide. This is certainly an issue that I, as an Implementation Team member, would like to have some ability to comment on before the TMT develops its position, although the TMT would probably be an appropriate forum for the development and coordination of supporting information and for discussion of the technical implications of the request, she said.

3. 1997 Water Management Plan. There were several placeholders left in the Water Management Plan, areas that needed some further discussion and fleshing-out, said John Palensky of NMFS -- water temperature was one. Once work on these placeholders is complete, specific language will be submitted to the TMT for inclusion in the final WMP.

#### B) System Configuration Team.

1. Informational Briefing Package Regarding Three SCT Issues. The week before last, we sent out copies of our briefing package on the three FY'98 funding issues identified by the SCT, said Ruff. We've been discussing their technical implications for some time at the SCT level; you were made aware of them at a previous IT meeting. This packet frames up the three issues: the Lower Granite surface bypass development program, the installation of extended-length screens at John Day Dam, and passage improvements at Bonneville Dam.

These are the three biggest issues we're facing for FY'98, Ruff continued. The IT briefing packet includes information about cost and schedule, as well as a statement of support and a statement of non-support for each issue. We've elevated them to IT, added Hevlin, because we were

unable to reach consensus on these three activities. Essentially, the non-support statements for each issue were developed by CRITFC; the support statements are endorsed by NMFS, NPPC, the states of Oregon, Washington and Idaho. The Shoshone-Bannock Tribes joined CRITFC in opposing these three activities. The packet also includes letters from the states of Oregon and Washington responding to CRITFC's non-support position papers, said Ruff.

I don't know how Donna feels about this, but I don't see much point in having a lengthy discussion about these items, given the fact that the disputees have withdrawn from the Regional Forum process, said Arndt. I know they've put a tremendous amount of time and effort into developing their positions on these issues, but I'm not sure what our next step should be.

At its last meeting, SCT discussed a possible compromise approach to at least one of the issues -- John Day extended-length screen implementation, Ruff said. The suggested compromise was not rejected out of hand by the SCT membership; it centers around the fact that funding is available in FY'98 that would allow the installation of screens on five turbine units, rather than the full powerhouse complement of 16 units. If we can reach agreement to move forward with this compromise, that would allow us to evaluate fish guidance efficiency, fish condition, lamprey impacts and other items of concern raised by the Tribes, in 1998. We'll have that information in hand before we would proceed with installation of the remaining screens.

What about the Lower Granite and Bonneville issues? asked Darm. Those two are tougher, replied Hevlin. The package includes an SCT plan for Bonneville passage improvements, which contains the items the Tribes want to see studied at Bonneville. However, the Tribes' main objection remains: they don't want to spend large chunks of funding on the bypass systems up front. This Bonneville plan is also, to some extent, a compromise, Hevlin said. It's a compromise, but there are still objections to that compromise, in other words, said Darm. That's correct, Hevlin replied.

At Lower Granite, the issue is pretty straightforward, said Ruff -- the Tribes don't think we should be spending any more money to make fish passage improvements at any of the Snake River projects, because they believe the prudent path to stock recovery is to go to natural river drawdown. They consider the Lower Granite surface bypass study to be good money after bad. The problem is, we will not have sufficient information about the adequacy of surface bypass systems in the Lower Columbia in time to help make the 1999 decision. Whether it's good money or bad, we have invested a significant amount of funding to install a surface bypass prototype at Lower Granite, and that's the place where we're testing the concept.

I would suggest that we talk about these issues later in the meeting, when we discuss the Executive Committee agenda and dispute resolution, said Darm. The only concern is that there is a contract that needs to be let for the John Day project by June 10, said Hevlin. We'll need to take some action on that item today. Understood, said Darm.

2. Report from SCT Water Temperature Team. Mary Lou Soscia of EPA said her agency has been working with the state and federal agencies and the tribes to try to address and identify the Snake and Lower Columbia River water temperature concerns that have been elevated by the tribes and by EPA. Currently, the group is concentrating its efforts on several main areas: the identification of system temperature databases; the coordination of a possible water temperature workshop later this summer, to address potential system temperature reduction

tools; the planning of a modeling effort to help increase the understanding of water temperature and its impacts in the system. The next meeting of the SCT water temperature team is scheduled for June 27.

Soscia added that Chuck Clark, the head of EPA's Region 10 office, as well as representatives from the Washington Department of Ecology and Oregon Department of Environmental Quality, plan to attend the June 23 Executive Committee meeting in Spokane to discuss Clean Water Act issues, and to try to encourage the region to continue to push forward on addressing water temperature issues on the Lower Snake and mainstem Columbia Rivers.

### III. Discussion of Responsibility for Non-Facilities Portion of COE Projects.

This issue arose at the last SCT meeting, during a discussion of the SCT's role in oversight of the Corps' study needs and priorities identification process, said Hevlin. That group is in the process of identifying and developing proposals for the studies needed for 1998. NMFS, Oregon and Washington are providing comments on those preliminary proposals, Hevlin said.

Many of those studies fit neatly within the SCT framework, because they have to do with system configuration and project configuration needs, he continued. However, there is another group of proposals, concerned with transportation studies, juvenile survival studies and avian predation studies, that don't seem to fit into the oversight responsibilities of any of the currently-working Regional Forum groups.

Our understanding was that a scientific review group was being convened to help address issues identified in the studies review process, Hevlin said. The question we're asking today is, does the IT want the System Configuration Team to deal with issues arising from all of these studies, or should some of those questions -- the ones that fall outside the system or project configuration realms -- be answered in this proposed scientific forum?

We had anticipated that this scientific review team would be able to work in concert with SCT to help guide the prioritization of the studies, said Arndt. However, the scientific review group -- the Schiewe/McConnaha group, as some people have been calling it -- really hasn't come together, and as Bill says, there are a few studies that probably don't have a home within SCT. Virtually all of the studies are associated with BiOp measures, he added.

The Independent Scientific Review Team is probably the group that would develop a framework for the overall studies program, said Tom Cooney of WDFW. However, I don't think that's the group to get involved with a review of the scientific merit of these research projects.

To clarify this a little, said Hevlin, SCT's role in the study needs and priorities identification process is one of oversight -- if issues arise that need resolution, the Corps brings them to SCT. If no issues are identified, the Corps will take the next step, which is the actual solicitation of study proposals. It could be that there will be no need to elevate issues for resolution. The technical review is being done by AFEP, added Boyce.

Perhaps the task for the ISRT is to review the study needs identified by AFEP, in the context of the overall research framework ISRT is in the process of developing, and to make recommendations about their appropriateness to IT, suggested Cooney. That would include the identification of any areas of overlap or redundancy, he added.

Really, we're more concerned about study areas -- transportation studies, juvenile survival studies and avian predation studies, to name three -- than we are about specific studies, said Hevlin. If there is a difference of opinion, within these study areas, at the studies review level, only then would it be elevated to the oversight group -- presumably, ISRT. Again, I haven't heard of any issues that need to be elevated so far this year.

After some minutes of discussion, Palensky summarized the outcome of this discussion by saying that the ISRT will review the Corps' study areas in the context of its own study framework, looking at needs and priorities, areas of overlap and coordination needs. Tom Cooney will coordinate this effort with Mike Schiewe and Chip McConnaha, and will report back at the next IT meeting.

#### IV. Status of Rules and Procedures for the Regional Forum.

I have incorporated the comments people made at the Alternative Dispute Resolution meeting several months ago, said Darm; at that meeting, no one raised any issues that they felt were serious enough to cause them not to participate in this process. There were, however, a number of substantive and constructive comments on the draft interim Rules and Procedures; those have now been incorporated in a final draft (Enclosure F). It is NMFS's intention to attempt to follow these procedures in the course of Regional Forum activities, Darm said. This document will be updated and improved upon as we go along, and we are open to any suggestions about how to do so. I'll ask John to put this on the agenda for next meeting, and we can talk about any suggestions people may have at that time.

#### V. Summer Spill Study.

Bob Heinith had asked that this item be placed on today's agenda, but he is not here today, said Palensky. He told me that he had a draft summer spill study proposal, and was going to provide that and discuss it at today's meeting. I don't recall all the details of the spill study we did at Little Goose in 1996, said Darm, but I know that NMFS Coastal Zone was supportive of that particular study. Based on more careful review of the PIT-tag reach survival data from 1995 and 1996, however, Coastal Zone has withdrawn their support for added spill at collector projects during the summer period, due to high levels of mortality. Mike Schiewe has drafted a memo laying out these concerns, which I will distribute, Darm added.

Without Bob Heinith here to present his proposal, and without having actually seen his proposal, it's going to be a little difficult to discuss it today, said Darm. In the absence of a proposal, we'll table this item.

#### VI. Executive Committee Agenda (June 23 in Spokane).

I apologize in advance for what I'm about to say, said Darm, but Will Stelle cannot attend the planned June 23 Executive Committee meeting. It will therefore be necessary to reschedule that meeting. The group spent a few minutes discussing possible alternative Executive Committee meeting dates; ultimately, it was agreed that NMFS would arrange for a mutually-acceptable meeting date for all parties concerned, and notify everyone of the change. It was agreed, however, that the location for this meeting will still be Spokane. [Subsequent to the IT meeting, the EC meeting was scheduled for July 23, 1997 at The Ridpath in Spokane Washington.]



I'm not sure how best to involve the tribes in the Executive Committee process, said Darm. The tribes met recently with the governors of Oregon, Washington and Idaho to express their concerns about the Regional Forum process and other salmon recovery issues; my understanding is that the three governors came to the conclusion that the Regional Forum process doesn't seem to be working very well, said Darm. What that means in terms of continued state participation in this process, I don't know -- obviously, you're here today, which implies some commitment to continue a regional dialogue among as many parties as are willing to sit down and discuss these issues.

Perhaps the most productive thing to do, for now, is to talk about what items might be on the agenda for the Executive Committee meeting, said Darm. One possible item, which NMFS has raised before, is dispute resolution, and there are two issues that I think may be ripe for such a process. One is the issue of capital investment -- the CRITFC "forest" issue. This has already been discussed at the technical level; it sounds, based on Bill and Jim's presentation earlier in the meeting, as though there may be some hope of reaching a compromise on at least the John Day screens issue.

I think, overall, that the capital investment issue may be ripe for some sort of dispute resolution process, said Darm. That could be a direct negotiation between the principals, possibly a mediated discussion, or it could be submitted to an independent arbitrator. The point is, someone needs to decide it. NMFS and the Corps could make a decision, or we can agree on a third-party dispute resolution process.

A second issue that may be teed up for a dispute resolution process is transportation, Darm continued. I had hoped that this year, for the first time, we might be able to get through the season without having to hash the transportation issue out again. Unfortunately, that didn't happen. I think we would save ourselves a lot of frustration, and save the technical people a lot of time, if we could come to some final resolution on this issue -- at least for 1998.

However, I anticipate that we will see even greater levels of conflict between NMFS and the states and tribes in 1998 and 1999, based on the preliminary results of the transportation evaluation from the 1995 outmigration, Darm continued. Based on those results, NMFS will be very hard-pressed to recommend any other transportation operation besides transport maximization in 1998 and 1999; those preliminary results are showing a 2-1 benefit ratio in the returns of transported fish compared to fish that migrated in-river. I don't mean to simply toss this information on the table without benefit of earlier technical discussion, said Darm, but I did want to give you a flavor of where this transportation debate may be headed in 1998 and 1999.

Will Stelle's suggestion was that we try to develop the transportation issue for dispute resolution at next Executive Committee meeting, Darm said. One of the objections that the tribes had to this forum, which came through loud and clear when they pulled out, was that they think the policy-level groups should be giving direction to the people on the ground -- they're advocating a top-down process, in other words, and don't like the idea of starting at the technical level, then elevating issues upwards. They think it is disrespectful of their sovereignty when we tell them that their proposals need to be vetted at the technical level before they're presented to the Executive Committee for decision, she said. Anyway, what I'm trying to do here is to figure out the best way to address these issues.

Doug Arndt made the point that the transportation and capital improvement questions are really only pieces of a larger issue: whether or not the Executive Committee is functioning in a manner that meets the expectations of all of the region's stakeholders, particularly the tribal entities and the State of Montana. That's a huge issue, and it may be more than the EC can take on in a dispute resolution context, but eventually, it will need to be addressed, he said.

Well, nothing succeeds like success, and the best way to get any of the parties in the region to buy into any forum is to have some successes, said Darm. In my opinion, we have had some successes, but there are a lot of big issues we have yet to resolve, or reach compromise on. If we're able to use the processes we have available to successfully resolve some of those big issues, that may encourage some entities to re-engage in that process.

It sounds to me like the touchstone of science, and the fundamental philosophical beliefs of the tribes, are diametrically opposed on the transportation issue, said Arndt. I'd like very much to resolve the transportation issue, but I think you're going to have to be extremely careful about how you go about bringing the tribes back to the table.

It sounds like what you're suggesting is that we try to reach resolution on the issue of what to do about transportation in 1998 and 1999, said Cooney -- to agree upon an interim transportation solution, rather than trying to get down to the bedrock of an overall, longterm solution to the transportation issue. That's correct, said Darm. I think that would be an appropriate issue for a dispute resolution exercise, said Cooney.

What would happen if NMFS invited the tribes to engage, on a government-to-government basis, in this type of problem-solving exercise? said Darm. One of the main issues for the tribes is, who controls the Regional Forum? said Soscia. The tribal position is that the National Marine Fisheries Service controls the forum. If you could put together an alternative dispute resolution mechanism in which NMFS is not perceived as controlling the forum -- one that is truly a joint venture between the federal parties, the states and the tribes -- I think the tribes would be willing to participate, she said.

I guess I don't necessarily agree with that, because we did try to set up an ADR forum that we didn't control, and hired a mediator to run it, said Darm. The tribes opted out of that forum as well. My view is that this whole question is results-driven -- if the tribes were getting the results they wanted, it wouldn't matter who was in charge of the forum. What might be most helpful, to the extent that you have the ear of the tribal forum, would be for you to get the message across that NMFS is willing to participate, any time, any place, in any forum anyone wants to set up. My concern about what you just said, Mary Lou, is that NMFS can try to set something up, but we would still be setting it up, and we would still have the same problem. It's kind of a catch-22. If it takes someone else in the region to provide the leadership on this, we would certainly do whatever we could to make sure that that process was a success.

Has NMFS given any further thought to moving up the 1999 drawdown decision? asked Arndt. That's the number one issue on our list of EC agenda items, replied Darm -- we wanted to get some input from PATH on that question. If the point of that discussion would be to determine if the 1999 decision can be made sooner, I think we need to get some more people working now, to take a hard look at the PATH process and decide what would be gained and lost by speeding up that decision, said Cooney. So far, we haven't challenged the schedule PATH has laid out for

itself.

For the purposes of fleshing out the Executive Committee agenda, I think it would be very helpful to lay out, for all of our EC principals, exactly what pieces of information will be feeding into that 1999 decision, and, as Tom says, what would be gained or lost by making the decision sooner -- in other words, exactly what information will we have then that we don't have now? said Darm. We should also talk about what would be gained, in terms of clear guidance to our funding prioritization process, said Arndt -- we would know exactly where to focus our efforts.

So we would be talking about a range of timing, said Cooney -- what we would gain or lose if we made the decision in 1997, in 1998 or in 1999. That's correct, Darm replied.

In terms of a dispute resolution component of the EC agenda, there isn't a dispute about the capital investment program if the tribes choose not to participate, and there's no point in putting that on the agenda, she continued. We may well have a dispute over transportation, but it's really not ripe for EC discussion, because NMFS has not yet distributed some key pieces of information which will require extensive technical-level discussion. We need to have some dialogue about what analysis needs to be done among the technical folks, said Cooney -- it may well be possible to complete whatever analysis is necessary in time for discussion at the Executive Committee meeting. It's even possible -- though this would be almost unprecedented -

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that we could all agree on the meaning of that information, and the dispute could go away, observed Arndt.

My suggestion is that we put the 1999 decision timing question on the EC agenda, and lay it out the way we've discussed today, said Darm. You're saying, let's clearly lay out the information the region will have to base its decision on in 1999, but if that decision needs to be made in 1998, here's the information we won't have? said BPA's Alan Ruger. Correct, Darm replied. One thing to bear in mind is that, even if the decision is made to go with natural river drawdown, it will be a number of years before drawdown can be implemented, Ruger said -- it still may make sense, from an interim survival standpoint, to do go forward with some of the capital improvements we have on the drawing board. That may provide the basis for a subsequent discussion, said Darm, but I don't think we want to complicate this too much for the EC. I would suggest that we at least provide a briefing on the likely implementation timeline for drawdown, given the realities of the Congressional appropriations process, said Ruger -- I don't want people to think we'll be implementing drawdown in 2000 if the decision is made in 1999. Agreed, said Darm -- I just don't think it would be appropriate to try to discuss which specific projects should or should not go forward if drawdown is the recommended option.

Let's talk for a moment about how to structure this briefing, said Darm. Would it make sense to ask PATH to put it together? Do we want to restrict it to biology? asked Cooney. After a few minutes of discussion, it was agreed that the briefing should also include economics. Also, there is a whole study plan which has been developed for the Lower Snake River Feasibility Study, which would be an excellent starting point to laying out what information is being developed, and when it will come in, said Ruff. In addition, the Drawdown Regional Economic Workgroup is looking at the detailed economic impacts of Lower Snake drawdown; however they're just in the process of developing a study plan. Certainly we can lay out what information they will be developing and when, with the understanding that it won't be available any time soon.

It was agreed to convene a meeting of the IT/PATH group to put together a presentation for the Executive Committee on the 1999 decision, covering exactly what information is being developed in support of the 1999 decision, how it will be used, and what pieces will not be available if the 1999 decision is made sooner. It was further agreed to ask the SCT to participate in this meeting, to ensure that all relevant capital construction information is included in the presentation to EC. I'll ask Ed Sheets to put that meeting together, said Darm; we'll ask to have a trial run of the PATH presentation at our the July 10 IT meeting, so that everyone has a chance to preview what will be presented to the EC.

The other topic that needs to be addressed is the Transition Board's analysis of the costs associated with the options on the table for decision in 1999, and the implications of the timing of the 1999 decision on BPA's financial future, observed one meeting participant.

Other items for the EC agenda will include:

- ? A discussion of the water temperature issue, from EPA's Chuck Clark and others
- ? A presentation on the chronology of events that led to the formation of the Regional Forum (dependent on tribal participation)
- ? A discussion of the overall direction of the capital investment program (the tribes' "Forest" issue -- again, dependent on tribal participation)

We'll try to ascertain whether or not the tribes intend to participate in the EC meeting, so that we can decide whether the last two items need to be on the agenda, said Darm.

The bottom line, said Darm, is that we intend to go forward with the Regional Forum. We have a Biological Opinion, it needs to be implemented, and we want the broadest possible input from the region on how it should be implemented. The tribes have made a decision not to participate in this process; so be it. We still have significant participation from other entities in the region. The states involved in anadromous fish management are continuing to participate, and their input is invaluable. We are going to have an Executive Committee meeting, and we are going to move forward with the Regional Forum and the implementation process.

Returning to the John Day extended-length screen implementation issue raised by SCT, after some minutes of discussion, the IT recommended that the Corps be allowed to proceed with the contracting process to install extended-length screens on five units at John Day, and to conduct the 1998 biological evaluation, as outlined earlier in today's meeting. The first contract for this project will be let on June 10.

## VII. Report from TMT on use of a Facilitator.

The TMT has been discussing this issue, said Darm; does anyone here disagree that it would be a good idea to hire a facilitator to run the TMT's meetings? In response to a question, Boyce said the TMT facilitator would be expected to perform both meeting management and meeting support functions. Cindy Henriksen, TMT chair, made the point that no TMT consensus has yet been reached on the need for a TMT facilitator; we'll be discussing this issue further at future TMT meetings, she said, but what the IT actually asked us to do was simply to develop a list of the duties a TMT facilitator might be expected to perform.

However, there was disagreement at the TMT level about whether the decision to hire a TMT

facilitator should be implemented, said Boyce -- that course of action was proposed by Washington and supported by the Salmon Managers, but was not supported by the other TMT members.

I suggest that the IT deal with this issue, and not send it back to TMT, said Darm. My suggestion is that we review the meeting facilitator responsibilities description developed by the ADR group, and come prepared, at the next IT meeting, to reach agreement on the duties and responsibilities of such a person. And the outcome of that discussion, once agreement is reached on what those duties and responsibilities might be, would be a decision about whether or not there is a need to hire such an individual? asked Arndt. Because I don't want to begin that discussion with a given that we are going to have a TMT facilitator.

Washington feels strongly that a TMT facilitator is needed, said Cooney -- that's not an attack on anyone personally, it's just a way to deal as effectively as possible with the very complicated issues that face TMT. To me, the question isn't whether we have a facilitator, it's whether this is the right model to follow in laying out the facilitator's responsibilities.

We also understand that NMFS has talked to BPA about the availability of funding for the facilitator position? asked Boyce. That's correct, Darm replied -- Bob Lohn has assured me that BPA funding would be available. Bear in mind, however, that, whatever pot of money that funding comes from, it will end up reducing the amount available for the direct fish and wildlife program.

#### VIII. Approval of Minutes from April 3 and May 1 IT Meetings.

Darm asked that any comments on these minutes be submitted to John Palensky.

#### IX. Public Comment.

Public comments were taken during the discussions.

#### X. Next IT Meeting Date and Agenda Items.

The next meeting of the Implementation Team was scheduled for Thursday, July 10 at 9 a.m. at NMFS's Portland offices.